

CHARGE SHEET FORM

Fill in all spaces unless otherwise indicated and submit the original to the Office of Student Affairs in Room 400. Attach pages explaining how the alleged violation(s) occurred, giving dates and times when relevant, all supporting evidences or a detailed list of such evidences, statements as to the constitutional, statutory, and/or regulatory provisions allegedly violated, and a separate document explaining why a preliminary injunction is needed, if one is requested. You will be notified if your case is accepted, and will be notified in writing if your case is not. Please type or print clearly. E-mail the Chair and Assistant Chair (check www.asuc.org) should you require assistance and to notify the Council that you have filed a charge.

TO: ASUC Judicial Council

FROM: Liz Kopaskie

[You will be recognized as the spokesperson for the complainant before the Council unless otherwise noted in the hearing. JRP 4.7]

ADDRESS: 2025 Francisco St Unit C, Berkeley, CA 94709

PHONE: 949-274-0683 E-MAIL: ekopaskie@berkeley.edu

I, Liz Kopaskie,

[Spokesperson] hereby request the ASUC Judicial

Council to issue a ☒ Direct Judgment ☐ Restraining Order ☐ Writ of Mandamus

☒ Advisory Opinion ☐ Appeal ☐ Rehearing

[Judicial Remedy sought, see JRP 3.13.1.1.1-3, 3.4, and 5.3-4]

with regards to the ASUC Elections By-laws.

[Person(s) and/or organization]

The named person(s) may be contacted at ekopaskie@berkeley.edu or 949-274-0683

[E-mail address and phone number]

I am requesting a direct judgment with regard to direct violations of Title IV, Article XII, Section 12.3, Clause 6; Title IV, Article XII, Section 12.6, Clause 1, Title IV, Article XII, Section 12.6, Clause 4, Title IV, Article XII, Section 12.6, Clause 8.

[Title, Article, Section, Clause, Item]

of ASUC By-Laws

[ASUC Constitution, By-Law, Rules, Regulation, etc]

as explained in the attached.

_____ I request an Expedited Hearing.

[Include a separate document explaining why an Expedited Hearing is necessary. See JRP 3.5.3]

_____ I am requesting a Preliminary Injunction.

_____ I am requesting a Gag Order. [See JRP 3.7]

[Include a separate document explaining why a Preliminary Injunction is needed. See JRP 3.8]

_____ I am requesting witnesses/evidence be subpoenaed.

[Include all names and contact information as well as the reasons for the request. See JRP 3.9]

_____ I am requesting witness depositions.

[Include all names and contact information. See JRP 3.10]

_____ Charge Sheet is filed under seal. Only the Council will see this until such time as it is unsealed.

[Include a separate document explaining why the charge is filed under seal. See JRP 3.6.2.2]

Signed: Liz Kopaskie Date: April 8, 2012

Received: _____

[OSA Director]

Date: _____ Time: _____

Violations of Title IV:

Title IV, Article XII, Section 12.3, Clause 6 Reads:

12.3 The purpose of the following section is to hold candidates, parties, and propositions responsible for serious ethical breaches which threaten the validity of the ASUC's commitment to fairness, democracy, and the legal institutions empowered to protect that democracy, as well as to define and provide equitable remedy for the same. For this reason, any person, party, candidate, proponent or opponent of a proposition found before the ASUC Judicial Council to have committed the serious ethical breaches stated in this section through the following acts shall be subject to punishment by the guidelines as set forth in Section 12.10, infra.:

6. Using ASUC authority, facilities, funds, or resources, including Eshleman Hall, for campaign purposes, including for long term or bulk storage of campaign materials.

The photographs below clearly show Daily Californian Campaign Manager Lynn Yu actively campaigning in the basement of the Martin Luther King Jr. Student Union. On the table in the photo there are campaign flyers, stickers and other promotional materials for the VOICE initiative. On April 6, 2012, the following photographs were taken in the Martin Luther King Jr. Student Union. :





Furthermore, it has been confirmed the Daily Californian has stored their campaign materials in their offices on the 7th floor of Eshleman hall. I kindly request an immediate investigation by the Attorney General in to this matter.

Title IV, Article XII, Section 12.6, Clause 1 reads:

12.6 The purpose of the following section is to hold candidates, parties, and propositions responsible for violations of ASUC Elections Protocol and of University Guidelines, and to provide equitable remedy for the same. For this reason, any person, party, candidate, proponent or opponent of a proposition found before the ASUC Judicial Council to have committed violations of ASUC Elections Protocol and of University Guidelines through the following acts shall be subject to punishment by the guidelines as set forth in Section 12.10, infra.:

1. Posting campaign literature of any candidate or party on restricted bulletin boards or any structured or natural feature of the campus such as (but not limited to) doors, windows, buildings, surfaces of walkways or roads, Sather Gate, fountains, posts, waste receptacles, fences, or trees. This by-law does not limit posting on campus public access bulletin boards and kiosks, or in areas in which the proper permission has been obtained such as Residence Hall room doors and windows with the resident's permission.

The photograph below was taken on Friday, April 6, 2012 and clearly shows VOICE pamphlets folded around copies of the Daily Californian. These papers are stored in newspaper displays, which can only be considered a "campus structure". Please see the pictures below:



Title IV, Article XII, Section 12.6, Clause 4, Title IV, Article XII, Section 12.6, Clause 8 reads:

12.6 The purpose of the following section is to hold candidates, parties, and propositions responsible for violations of ASUC Elections Protocol and of University Guidelines, and to provide equitable remedy for the same. For this reason, any person, party, candidate, proponent or opponent of a proposition found before the ASUC Judicial Council to have committed violations of ASUC Elections Protocol and of University Guidelines through the following acts shall be subject to punishment by the guidelines as set forth in Section 12.10, infra.:

4. Attaching or leaning sandwich boards, picket signs, or other displays against campus vertical features including but not limited to buildings, doors, fountains, posts and fences, waste receptacles, and trees. This shall not be construed to prohibit the following displays, so long as they are attended by a person within six (6) feet of the display: attended displays where the material is upside-down, boxed, or out of public view, including upside-down pickets and candidate/party “bases” on upper Sproul Plaza; free-standing displays attended by a person or a group or people; and displays touching the ground but attended by a person or a group of people.

The photo below was taken on April 6, 2012 and shows a “YES on V.O.I.C.E.” sandwich board in the middle of upper Sproul plaza:



Request for Censures:

Title IV, Article XII, Section 12.6, Clause 4, Title IV, Article XII, Section 12.10, Clause 4 reads:

12.10 Punishment for violations of Article XII

4. A finding of violation of the conduct prohibited by Sections 12.3, 12.4, 12.5, and 12.6 shall be punishable by single or multiple censures. A violation of Section 12.3 shall result in a maximum of two to three censures. A violation of Section 12.4 shall result in a maximum of one to two censures. A violation of Section 12.5 or 12.6 shall result in a maximum of one censure apiece.

This document clearly highlights violations of sections 12.3 and 12.6, both of which are punishable by single or multiple censures. I request a thorough investigation by the Attorney General and a swift judgment by the Judicial Council.